

ENTERED

September 04, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ELIAS GARCIA JR.,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:18-CV-99

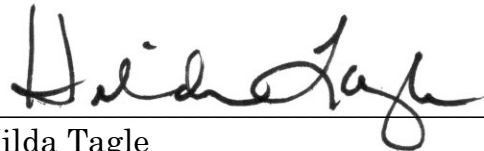
ORDER

The Court has received the magistrate judge's June 13, 2018, Memorandum and Recommendation ("M&R"), Dkt. No. 15, and Petitioner's objections to the M&R, Dkt. No. 17.

After independently reviewing the record and applicable law, the Court **OVERRULES** Petitioner's objections. Petitioner's new argument that his placement in administrative segregation and his related lack of access to the law library justify equitable tolling was raised for the first time in his objections to the M&R; the Court therefore disregards it. *See Finley v. Johnson*, 243 F.3d 215, 219 n. 3 (5th Cir. 2001) ("[I]ssues raised for the first time in objections to the report of a magistrate judge are not properly before the district judge.") (citing *United States v. Armstrong*, 951 F.2d 626, 630 (5th Cir. 1999)).

Accordingly, the Court **ADOPTS** the June 13, 2018, M&R, Dkt. No. 15, **GRANTS** Respondent's Motion for Summary Judgment, Dkt. No. 12, **DISMISSES** Petitioner's habeas petition as time-barred, and **DENIES** Petitioner a certificate of appealability.

SIGNED this 4th day of September, 2018.



Hilda Tagle
Senior United States District Judge